

IN THE UNITED STATES PATENT & TRADEMARK OFFICE



IN RE APPLICATION OF :
YUTAKA KOBAYASHI, ET AL. : EXAMINER: SHOSHO, C.E.
SERIAL NO.: 09/701,376 :
FILED: NOVEMBER 30, 2000 : GROUP ART UNIT: 1714
FOR: PROPYLENE-ETHYLENE BLOCK :
COPOLYMER COMPOSITION FOR
AUTOMOBILE EXTERIOR PARTS

DECLARATION UNDER 37 C.F.R. § 1.132

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Now comes Yutaka KOBAYASHI who deposes and states:

1. That I am a graduate of Gunma University and received a Master degree in the year 1985.
2. That I have been employed by Idemitsu Petrochemical Co., Ltd., for 18 years as a researcher in the field of polymer chemistry.
3. That I am familiar with the subject matter disclosed in the above-identified application and the examination history thereof.
4. That I have reviewed the Office Actions mailed January 18, 2002, September 9, 2002 and July 3, 2003.
5. That, to directly compare the Izod impact strength, I have repeated the procedures described in Examples 1-5 of the specification of the above-identified application and measured the Izod impact strength on the injection-molded pieces at -20°C according to ASTM D256. The results are shown in the following table together with the results shown in EP 0 699 711 A1 and Watanabe et al. (United States Patent No. 5,684,099) which are cited by the Examiner in the Office Action mailed July 3, 2003.

	Izod Impact Strength (kg·cm/cm)	
	At 23°C	At -20°C
Examples of Invention		
1* ¹	—	13.3
2* ¹	—	13.3
3* ¹	—	12.2
4* ¹	—	43.9
5* ¹	—	13.3
Examples of EP 0 699 711 A1		
1	3.9	—
2	4.8	—
3* ²	4.3	—
4	4.5	—
5	5.1	—
6* ²	5.3	—
7	4.8	—
Examples of Watanabe et al.		
1	6.9	4.1
2	6.9	4.0
3	6.7	4.0
4	7.1	4.5
5* ³	6.8	4.0
6* ³	6.5	4.0
7* ³	6.8	4.1
8	7.1	4.2
9	7.1	4.2
10	6.9	4.1
11	7.3	4.7
12* ³	7.0	4.1
13* ³	6.9	4.1
14* ³	7.1	4.6

*¹: Added with an amount of methylenebis(2,4-di-*t*-butylphenol) acid sodium phosphate as the nucleating agent.

*²: Added with an amount of sodium 2,2'-methylenebis(4,6-di-*t*-butylphenyl) phosphate as the nucleating agent.

*³: Added with an amount of aluminum *p*-*t*-butylbenzoate as the nucleating agent.

As seen from the results, the propylene-ethylene block copolymer composition of the present invention exhibits an extremely high Izod impact

strength even at a low temperature of -20°C as compared with those of EP 0 699 711 A1 at 23°C and of Watanabe et al. at -20°C and 23°C .

6. The undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

7. Further deponent saith not.

Signature Yutaka KOBAYASHI

Date